

John A. Stillman, Esq., State Bar No. 43731
Heidi Stilb Lewis, Esq., State Bar No. 98046
GOOD, WILDMAN, HEGNESS & WALLEY
5000 Campus Drive
Newport Beach, California 92660
Telephone (949) 955-1100
Facsimile: (949) 833-0633

Attorneys for Plaintiff
Frank Joseph Carderella

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

FRANK JOSEPH CARDERELLA,
Plaintiff,

vs.

JANET NAPOLITANO, as Secretary
of the Department of Homeland
Security

Defendant.

) Case No. CV 09-8299-R (MANx)

)
) **DECLARATION OF JOHN A.**
) **STILLMAN IN**
) **OPPOSITION TO DEFENDANT'S**
) **MOTION FOR SUMMARY**
) **JUDGMENT OR IN THE**
) **ALTERNATIVE SUMMARY**
) **ADJUDICATION**

) Date:
) Time:
) Dept.

1. I, John A. Stillman am an attorney duly licensed to practice law before
the U.S. District Court for the Central District of California and a partner
with Good Wildman Hegness & Walley, the attorneys of record for the

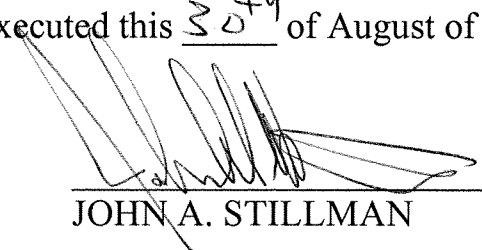
1 Plaintiff in the above-referenced matter. I have personal knowledge of the
2 facts stated herein and if called as a witness, I could and would testify
3 competently thereto.

4 2. On August 27, 2010, I took the deposition of Kamala Hampton, a
5 current employee of Homeland Security and a former employee of the
6 Immigration and Naturalization Service ("INS") where she held the position
7 of Human Resource Specialist from 1990 through 2005. It was during this
8 time period, in 1996, that the Plaintiff herein applied for a vacant Detention
9 Enforcement Officer position and was not selected despite his qualifications
10 for the same.

11 3. Attached hereto are true and correct excerpts of the relevant portions
12 of Ms. Hampton's deposition testimony taken from the rough transcript
13 which establish that (1) the INS had a policy which required the preservation
14 of records and files upon receiving notice of a claim for discrimination
15 relating to the same and (2) the portion of the application for an INS position
16 reflecting an applicant's race, national origin, sex and religion was
17 customarily retained in the applicant's file.

18 4. There was insufficient time to get a certified copy of Ms. Hampton's
19 deposition testimony prior to the filing of this opposition on August 30,
20 2010. Plaintiff will lodge a certified copy of Ms. Hampton's deposition with
21 the court prior to the hearing on this motion.

22 I declare under penalty of perjury under the laws of the United States of
23 America that the foregoing is true and correct and that this declaration was
24 executed this 30th of August of 2010.

25
26
27 
28 JOHN A. STILLMAN